

APR 27 2005

Attorney Docket No.: 15270J-004743US

In re application of:

Dale B. SCHENK, et al.

Application No.: 09/724,319

Filed: November 27, 2000

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Customer No.: 20350

Examiner: Christopher J. Nichols

Technology Center/Art Unit: 1647

DECLARATION UNDER MPEP § 2406.02Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, Rosemarie L. Celli, attorney of record authorized to act on behalf of the Applicant and Assignee in matters relating to the subject Patent Application, does hereby declare and state that:

1. The cell line designated hybridoma resulting from fusion of SP2/0 with A/J mouse spleen: 266.2, producing the antibody 266 described at, e.g., Table 6, page 58 and page 70, lines 19-20 of the above-captioned application, was deposited at the American Type Culture Collection on July 20, 2004 and given accession number PTA-6123. The address of the American Type Culture Collection (ATCC) is 10801 University Boulevard, Manassas, VA 20110-2209. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the ATCC receipt is attached as Exhibit 1.

2. The antibody 266, produced by the cell line identified in paragraph 1, is also described at, e.g., Table 6, page 58 and page 70, lines 19-20 of U.S. Application No. 09/322,289 filed May 28, 1999; Table 6, p. 58, of U.S. Application No. 09/201,430, filed November 30, 1998; and, at p. 32, line 24 of U.S. Application No. 60/080,970, filed April 7, 1998. The above-captioned application is a continuation of U.S. Application No. 09/322,289 filed May 28, 1999, which is a continuation-in-part of U.S. Application No. 09/201,430, filed

Application No.: 09/724,319
Declaration Under MPEP § 2406.02
Page 2

November 30, 1998, which claims the benefit under 35 U.S.C. 119(e) of U.S. Application No. 60/080,970, filed April 7, 1998, and U.S. Application No. 60/067,740, filed December 2, 1997.

3. The cell line identified in paragraph 1 above will be maintained at the ATCC and replaced in the event of mutation, nonviability or destruction for a period of at least five (5) years after the most recent request for release of a sample was received by ATCC, for a period of at least thirty (30) years after the date of the deposit, or during the enforceable life of the related patent, whichever period is longest.

4. All restrictions, on the availability to the public of the cell line identified in paragraph 1 above will be irrevocably removed upon the issuance of a patent from the above-captioned application.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: September 21, 2004


Rosemarie L. Celli, Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
RLC/aeb
60477821 v1